

PATENTS
2543-28-93

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Official

In re application of:

Duvall *et al*

Serial No. 09/098,758

Filed: June 17, 1998

For: Synergistic Blend of a Metal-Based

Stabilizer or Lewis Acid and a Free Mercaptan

for Enhanced PVC Stabilization

Group Art Unit: 1713

Examiner: P. Mulcahy

GROUP 1700

APR 26 2000

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Assistant Commissioner for Patents

Box AF

Washington, D.C. 20231

VIA FAX

Response Under 37 CFR 1.113 & 1.116

Dear Sir:

This application has been reconsidered carefully in the light of the Office Action mailed March 21, 2000. A careful reconsideration of the Final Rejection of the application in the light of the following remarks is requested respectfully.

The Final Rejection is deemed premature because it is based on a misunderstanding of the claimed invention. The claimed invention is a composition containing a free mercaptan rather than a latent mercaptan as the Examiner has characterized it. That misunderstanding has led to a misreading of the reference upon which the Final Rejection is based. The teaching at columns 7 and 8 of Bae *et al* to which the Examiner refers in the first Office Action describes the formation of a trithiophosphite by the reaction of phosphorus tribalide with a mercapto acid ester. That is not a teaching of the incorporation of a free mercaptan in the halogen-containing polymer composition. A withdrawal of the Final Rejection as being premature is requested.

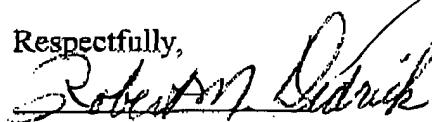
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Failing that, the Final Rejection of claims 1-3 and 6-9 under 35 USC 03(a) as being obvious over the teachings of Bae *et al* on the ground that Bae *et al* teaches the incorporation of zinc chloride and a latent mercaptan in a halogen-containing polymer composition is traversed. First of all, the claimed invention is a composition containing a free mercaptan rather than a latent mercaptan. The teaching at columns 7 and 8 of Bae *et al* to which the Examiner refers in the first Office Action describes the formation of a trithiophosphite by the reaction of phosphorus trihalide with a mercapto acid ester. That is not a teaching of the incorporation of a free mercaptan in the halogen-containing polymer composition.

The instantly claimed invention excludes the zinc chloride/organic triphosphite complexes which, according to Bae *et al*, avoid the zinc chloride catalysis of the thermodegradation of polyvinyl chloride. It is respectfully submitted that the zinc chloride/organic triphosphite complexes of Bae *et al* would materially change the basic and novel characteristics of the instantly claimed invention.

For all of the foregoing reasons, a withdrawal of the Final Rejection is courteously solicited.

Respectfully,



Robert M. Didrick
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Morton International, Inc.
(a wholly owned subsidiary of Rohm and Haas Company)
100 Independence Mall West
Philadelphia, PA 19106-2399
Date: April 25, 2000

PATENT
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VIA FAX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(OFFICIAL)

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Duvall *et al*)
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Fax No. 703-305-3599
Total pages: 3

GROUP 1700

Fax Cover Sheet

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

Dear Sir:

Upon receipt, please deliver the attached letter to Examiner P. Mulcahy.

CERTIFICATE OF FAXSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile on the date shown below to fax number (703-305-3599), addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 to the attention of Examiner P. Mulcahy.



Date: April 26, 2000

Robert M. Didrick
(Name of Person faxing paper)